

APPEAL NO. 032570
FILED NOVEMBER 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 3, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain an injury to his low back in addition to his left knee on _____. The claimant appealed, essentially on grounds of sufficiency of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

It was undisputed that the claimant sustained a compensable injury on _____. At issue was whether the claimant sustained a compensable injury to his low back in addition to the injury to his left knee on _____. This presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In this instance, there was conflicting evidence on the disputed issue. The hearing officer simply was not persuaded that the claimant sustained his burden of proving that he sustained a compensable injury to his low back in addition to the injury to his left knee on _____. The hearing officer was acting within his province as the fact finder in so finding. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse the injury determination on appeal. Pool, *supra*; Cain, *supra*.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **FAIRMONT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BOB KNOWLES
5205 NORTH O'CONNOR BOULEVARD
IRVING, TEXAS 75039.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge